

SOR/79-724



Indian and Northern Affairs Affaires indiennes et du Nord

**BAND COUNCIL RESOLUTION  
RÉSOLUTION DE CONSEIL DE BANDE**

Chronological No. - Numéro consécutif

#476/1979-80-520

File Reference - N° de réf. du dossier

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds

NOTA: Les mots "des fonds de notre bande "Capital" ou revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	CHIPPEWAS OF RAMA	Current Capital Balance Solde de capital	\$ _____
AGENCY		Committed - Engagé	\$ _____
DISTRICT	PETERBOROUGH	Current Revenue balance Solde de revenu	\$ _____
PROVINCE	ONTARIO	Committed - Engagé	\$ _____
PLACE NOM DE L'ENDROIT	RAMA RESERVE # 32		
DATE <u>18th</u> DAY - JOUR	<u>July</u> MONTH - MOIS	AD 19 <u>79</u> YEAR - ANNÉE	

DO HEREBY RESOLVE:  
DÉCIDE, PAR LES PRÉSENTES:

That the Council of the Rama Band of Indians enact a By-Law to be known as the Rama Land Use and Development By-Law Number 79 - 10.

Copy of the By-Law attached.

" Carried "

A quorum for this Bande  
Pour cette bande le quorum est  
consists of  
fixé à  
Council Members  
Membres du Conseil

Norman V. Stinson  
(Chief - Chef)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

Melville Simcoe Sr.  
(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

Leland Williams  
(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

Kenneth Snache  
(Councillor - conseiller)

(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE

1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES A. Capital \$ _____	3. EXPENDITURE Dépenses \$ _____	4. Authority - Autorité Indian Act / Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
6. Recommended - Recommandable			Approved - Approuvable	
Date	Recommending Officer - Recommandé par	Date	Approving Officer - Approuvé par	

THE RAMA BAND OF INDIANS

LAND USE AND DEVELOPMENT BY-LAW

Being a by-law to regulate the use and development of land and the character and use of buildings on the Rama Indian Reserve No. 32.

WHEREAS Paragraphs (f), (g), (h), (i), (l), (n), (q), and (r) of Section 81 of the Indian Act empower the Council of a band to make By-laws respecting the use and development of land and the imposition of a penalty for the violation thereof;

AND WHEREAS it is deemed to be necessary to control residential, commercial and industrial development for the benefit, safety and welfare of the inhabitants of the Rama Reserve;

NOW THEREFORE the Council of the Rama Band of Indians enacts as a By-law thereof the following:

SECTION 1 - TITLE

- 1.1 This by-law shall be known as the Rama Land Use and Development By-law, No. 79-10.

SECTION 2 - DEFINITIONS

- 2.1 "Accessory", when used to describe a use, building or structure, shall mean a use or a detached building or structure, that is naturally and normally incidental, subordinate and exclusively devoted to a principal use, building or structure and located on the same site therewith.
- 2.2 "Agricultural Use", shall mean the use of land, building or structures for the purpose of growing of field crops, flower gardening, truck gardening, berry crops, tree crops, nurseries, aviaries, apiaries, or farms for the grazing, breeding, raising, boarding or training of livestock or poultry on the same lot.
- 2.3 "Attached", shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings.
- 2.4 "Band Administrator", shall mean the Band Administrator of the Rama Band of Indians.
- 2.5 "Band Council", shall mean the Council of the Rama Band of Indians, elected pursuant to Section 74 of the Indian Act.
- 2.6 "Building", shall mean a structure which consists of at least a roof and main walls.
- 2.6.1. (a) "Accessory", shall mean a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.
- 2.6.2. (b) "Main", shall mean the building employing the purposes for which the lot was purchased, leased or rented.

- 2.7 "Commercial Use", shall mean the use of any land, structure or building for the purposes of offices or retail buying or selling of commodities but shall not include use for warehousing, wholesaling, manufacturing or assembling of goods.
- 2.8 "Cottage, Summer", shall mean a building which does not conform to all the requirements of Section 4 for single family dwellings and is being used, or designed to be used, as a residence only between the 1st days of May and October 31st. in each year.
- 2.9 "Dwelling", shall mean a building occupied or capable of being occupied throughout all seasons of the year as a home or residence by one or more persons.
- 2.10 "Dwelling, Single Family", shall mean a building accommodating not more than one dwelling unit, for the use of one family only.
- 2.11 "Erect", shall mean (with reference to a building or structure) to build, alter, construct or reconstruct, and the removal of any structure, from one lot and relocation of it on another lot, and any physical operation, such as excavating, filling or draining preparatory to building construction or reconstruction.
- 2.12 "Existing", shall mean existing, as at the date of enactment of this by-law.
- 2.13 "Floor Area", shall mean the sum total area of a floor or floors in the building on a lot measured from the exterior walls or from the centre line of the common walls separating two buildings, but not including the floor areas of basements, attached garages, sheds, open porches or verandas.
- 2.14 "Forestry Uses", shall mean the general raising and harvesting of wood and without limiting the generality of the foregoing shall include the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees and other forest products.
- 2.15 "Frontage", shall mean the width of a site between the side lines of a site measured along a line at right angles to the centre line of the site and at the minimum distance from the front of the site permitted for the erection of buildings by this by-law.
- 2.16. "Herein", shall mean in this by-law and shall not be limited to any particular section of the by-law.
- 2.17 "Home Occupation", shall mean an occupation, trade, business, profession or craft carried on as an accessory use to the use of a dwelling provided the dwelling is the private residence of the person carrying on the occupation, trade business, profession or craft.
- 2.18 "Industrial Use", shall mean any establishment involved primarily in processing or manufacturing activities, and so defined shall include transportation, wholesaling, storage and shipping activities.
- 2.19 "Institutional Use", shall mean any organized body or society involved primarily in providing for non-commercial purpose a particular object.

- 2.20 "Landscaping", shall mean the planting of grass and/or sod, for the purpose of improving the amenities of a development.
- 2.21 "Lot", means any parcel of land, right of way or easement whether such parcel, right of way or easement is described in a registered deed or shown on a registered plan of subdivision.
- 2.22 "Lot Area", shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered with water or marsh.
- 2.23 "Lot Frontage", shall mean the horizontal distances between the side lot lines measured at right angles but where such lot lines are not parallel, the frontage shall be the distance between the side lot lines measured along the building line.
- 2.24 "Lot Line", means any boundary line of a lot.
- 2.25 "Lot Line, Front", shall mean the lot line that divides the lot from a street, provided that in the case of a corner lot, the shorter of the two lot lines that abut a street shall be deemed to be the front lot line and the longer lot line that so abuts shall be termed the flankage of the lot.
- 2.26. "Lot Line, Rear", shall mean the lot line opposite the front lot line.
- 2.27 "Lot Line, Side", shall mean any lot lines other than the front lot line and the rear lot line.
- 2.28 "Main Building", means the building in which is carried on the principal purpose for which the building lot is used and in a residential zone the dwelling is the main building.
- 2.29 "Mobile Home", shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn and is capable of being used for living, sleeping and eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed.
- 2.30 "Obnoxious Use", means uses which are obnoxious or offensive by reason of their emission of odour, smoke, dust, noise, gas, fumes, vibration, or refuse matter, and shall include offensive trades as defined by the Public Health Act.
- 2.31 "Outside Storage", shall mean storage or display of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof.
- 2.32 "Person", shall include an individual, an association, a chartered organization, a firm, a partnership, or a corporation.
- 2.33 "Reserve" means the lands contained within the Rama Indian Reserve No. 32, which are vested in her Majesty and have been set apart by her Majesty for the use and benefit of the Rama Band.
- 2.34 "Residential Use", shall mean any use of a dwelling for living, sleeping and eating accommodation of persons.

- 2.35 "Site", shall mean a parcel of land or several contiguous parcels of land used or occupied, or to be used or occupied for a permitted use, or a building and accessory buildings and the area appurtenant to such buildings.
- 2.36 "Site Area", shall mean the total horizontal area within the limits of the site.
- 2.37 "Trade, Dangerous", shall mean the manufacturing and/or storage of coal, oil, kerozene, petroleum, fuel, oil, burning fluids, naptha, benzole, benzene, gasoline, dynamite, notro glycerine, gunpowder, or other combustibile, inflammable, or dangerous liquid or material, except where used in a subsidiary way for the manufacture of other industrial products.
- 2.38 "Trade, Obnoxious", means industries which are obnoxious or offensive by reason of their emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter, and shall include offensive trades as defined by the Public Health Act.
- 2.39 "Yard", means an open, uncovered space between a main building and a lot line.
- 2.39.1 "Yard, Front", means the space between the front lot line, and extending the full width of the lot.
- 2.39.2 "Yard, Side", means the space between the side lot line, and the nearest wall of any main building or structure, and extending from the front yard to the rear yard. In the case of a corner lot, the side yard on the street side of the said corner lot is referred to as the exterior side yard.
- 2.39.3 "Yard, Rear", means the space between the rear lot line, and the nearest wall of any main building or structure, and extending the full width of the lot.
- 2.40 "Zone", means a designated area of land use, shown on Schedule "A" of this by-law.

SECTION 3 - GENERAL PROVISIONS

- 3.1 This By-law applies to all of the Rama Indian Reserve No. 32, the boundaries of which are shown on Schedule "A" to this by-law AREA
- 3.2 The Minister of Indian Affairs and Northern Development is hereby requested to: MINISTER  
CONSENT
- (a) authorize a survey;
- (b) make any subdivision of Reserve lands;
- (c) approve any lease, or the construction or repair of any building, or the establishment of a use;
- only where the survey or the subdivision or the lease or the construction, repair or use complies with this By-law.
- 3.3 For the purpose of this By law, the Reserve is divided into the following Zones as designated on Schedule "A" of this By-law: ZONES

<u>ZONE</u>	<u>ZONE SYMBOL</u>
Residential Zone	R
Commercial Zone	C
Industrial Zone	I
Rural Zone	RU
Institutional Zone	IS
Commercial/Recreation Zone	CR
Holding Zone	X

3.3.1 Lands designated with an (X) on Schedule "A" are not to be developed until such time as this By Law has been amended to remove the (X) designation therefrom.

- |     |  |                                       |
|-----|--|---------------------------------------|
| 3.4 | No person shall use any land or erect or use any building except as permitted in this By-Law in the zone in which the land or building is located and then only after meeting the requirements of the said zone and all other applicable laws and By-laws. | CONFORM-ANTS AND PERMITS REQUIRED     |
| 3.5 | Nothing in this By law shall affect the continuance of uses which were established prior to the enactment of this By-law.  | CONTINUANCE OF USE                    |
| 3.6 | No building shall be moved to another location on reserve unless every portion of the building satisfies all the requirements of the Zone in which it is to be located and a permit has been obtained from the Band Administrator.                         | BUILDINGS TO BE MOVED                 |
| 3.7 | No person shall be permitted to erect any building or structures in any front yard in any Zone within the Reserve.   | BUILDINGS IN FRONT YARD PROHIBITED    |
| 3.8 | No person shall be permitted to erect a shed private garage, or any other ancillary building less than 10 feet from a lot line.  | ANCILLARY BUILDINGS                   |
| 3.9 | No person shall operate a scrap metal, junk or automobile wrecking yard, salvage or stock yard unless precautions satisfactory to the Band Administrator have been taken or will be taken.   | JUNK SALVAGE WRECKING AND STOCK YARDS |

In general, where land is used for the storage of scrap metal, junk or for an automobile wrecking yard, salvage or stock yard, the following regulations shall apply:

- (i) the whole of the storage and wrecking operation shall be surrounded by a solid fence; not less than 8 feet in height, unpierced except for gates necessary for access.
- (ii) the said fence shall be located not closer than 20 feet from the front lot line, nor closer than 10 feet from side and rear lot lines, and the land between the fence and the lot lines not required for entrance and exit driveways shall be used for no other purposes than landscaping.

- 3.10 Notwithstanding any other provisions of the By-law no outside storage shall be permitted in any front yard or in any exterior side yard in any zone within the Reserve. OUTSIDE STORAGE PROHIBITED
- 3.11 No person shall use any land or erect or use any building for any dangerous trade unless precautions satisfactory to the Band Council have been taken or will be taken to ensure that no danger to health or dangers from fire or explosions will occur which precaution may include work or works necessary to prevent any contamination as described in the Environmental Protection Act, Ontario 1971, and any of its subsequent amendments. DANGEROUS TRADES RESTRICTED
- 3.12 No persons shall use land or erect or use any building for any business, trade or calling in any zone which may be noxious or offensive by reason of the emission or production of odour, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise and notwithstanding anything contained herein, the following uses are prohibited in all Zones. OBNOXIOUS
- Blood Boiling
  - Bone Boiling
  - Extracting Oil from Fish or Animal Matter
  - Storing Hides
  - Soap Boiling
  - Tallow Melting
  - Tripe Boiling
  - Slaughtering Animals
  - Tanning Hides or Skins
  - Manufacturing Gas
  - Manufacturing Glue
  - Manufacturing or Storing or Fertilizers from Dead Animals or From Human or Animal Waste.

SECTION 4 - RESIDENTIAL ZONE

4.1 Permitted Uses

- Single Family Detached Dwellings
- Home Occupations
- ✓ Accessory Uses

4.2 Requirements

- 4.2.1. (a) Lot Frontage (Minimum) 100 Feet
- (b) Lot Depth (minimum) 200 Feet
- (c) Lot Size (minimum) 20,000 Sq. Ft.
- (d) Yards (minimum)
- (i) front yard 50 Feet
  - (ii) side yard 10 Feet
  - (iii) exterior side yard 10 Feet
  - (iv) rear yard 50 Feet
- (e) Floor Area (Minimum)
- 1 bedroom 600 Sq. Ft.
  - 2 bedroom 700 Sq. Ft.
  - 3 bedroom 800 Sq. Ft.

- 4.2.2. The installation and use of any private residential sewage and waste water disposal system must be in accordance with the Provincial Environmental Protection Act Ontario 1971, and any of its subsequent, amendments.
- 4.2.3. The installation, enlargement, extension or alteration of any sewage disposal system must be approved by an officer appointed by Council.
- 4.2.4. All residential construction on the Rama Reserve shall conform to the requirements of the National Building Code.
- 4.2.5. All residential construction on the Rama Reserve shall be approved by an officer appointed by Council.
- 4.2.6. All residential lots shall be landscaped.
- 4.3. No person shall be permitted to build more than one dwelling unit on the same residential lot. NUMBER OF DWELLINGS
- 4.4. Notwithstanding any other provisions of this By-law the minimum distance between buildings one of which is a dwelling unit on the same residential lot, shall be 8 feet. This requirement, however while it is to exclude attached garages, is to include detached garages. DISTANCE BETWEEN BUILDINGS
- 4.5. Mobile homes shall only be permitted in an area designated by Council as a mobile home park. MOBILE HOME PROHIBITED
- 4.6. Notwithstanding any other provisions of this By-law, no person shall be permitted to keep junk vehicles on his property. JUNK VEHICLE
- 4.7. In a Residential Zone, no person shall carry on a home occupation except in conformance with the requirements of a Residential Zone. HOME OCCUPATIONS

SECTION 5 - COMMERCIAL ZONE

5.1 Permitted Uses

Retail Stores  
Personal Service Stores such as Shoe Repair or Laundromat  
Restaurants  
Automobile Service Stations  
Living Accommodation when within or attached to the same structure as the commercial use.

5.2 Requirements

- 5.2.1 (a) Front Yard (minimum) 100 feet
- (b) Side Yard (minimum)
- (c) SIDE YARD (minimum) 30 feet  
corner lot or abutting residential zone



REAR YARD (minimum) 50 feet  
corner lot or abutting  
residential zone

BUILDING HEIGHT (maximum) 35 feet

- 5.3 No person shall operate a commercial establishment without an operating license issued by the Band Administrator, a subsequent amendment to Schedule "A" of this By-law, to establish an additional Commercial Zone, must then be passed by Council. LICENSING & CONFORMAN
- 5.4 Where a Commercial Zone abuts a Residential Zone there shall be within the Commercial Zone and adjacent to the abutting lot lines a strip of land not less than 10 feet in width which shall be used for landscaping. LANDSCAPING ADJACENT TO RESIDENTIAL ZONES
- 5.5 In a Commercial Zone, no person shall erect or use a building for residential purposes except in conformance with the minimum floor area requirements of the Residential Zone and the Yard Requirements of the Commercial Zone. RESIDENCE REQUIREMENTS

SECTION 6 - INDUSTRIAL ZONE

6.1 Permitted Uses

Any industrial use approved by the Band Council.

6.2 Requirements

To be determined by the Band Council on an individual case basis. In general, industries must conform to all pertinent provincial and federal regulations/requirements.

SECTION 7 - RURAL ZONE

7.1 Permitted Uses

Agricultural Uses  
Forestry Uses  
Associated Single Family Detached Dwellings

SECTION 8 - INSTITUTIONAL ZONE

8.1 Permitted Uses

Schools  
Churches  
Day Care Centres  
Band Buildings  
Community Centres  
Recreational Centres  
Cemeteries  
Parkland

8.2 Requirements

Any institutional use approved by Council.

SECTION 9 - COMMERCIAL RECREATION ZONE

9.1 Permitted Uses

Marinas  
Parks  
Tent & Trailer Parks  
Leased Cottage Lots  
Accessory Uses

9.2 Requirements

9.2.1 With the exception of summer cottages all commercial recreation establishments must specifically conform to Section 5 of this By-law which refers to commercial zones.

9.2.2 Cottage Lot Requirements

- |     |                          |                |
|-----|--------------------------|----------------|
| (a) | Lot Frontage (minimum)   | 100 feet       |
| (b) | Lot Depth (minimum)      | 200 feet       |
| (c) | Lot Size (minimum)       | 2,000 sq. Feet |
| (d) | Yards (minimum)          |                |
|     | (i) front yard           | 50 Feet        |
|     | (ii) side yard           | 10 Feet        |
|     | (iii) exterior side yard | 10 Feet        |
|     | (iv) rear yard           | 50 Feet        |
| (e) | Floor Area (minimum)     | 720 Sq. Feet   |

9.2.3 In general, all commercial recreation establishments and summer cottages must conform to pertinent provincial and federal regulations/requirements.

SECTION 10 - BUILDING PERMITS

- 10.1 The Band Administrator or other officer appointed by Council, shall issue all building permits. The Administrator shall report to Council all permits issued and all acts done by him pertaining to this By-Law.
- 10.2 No building shall be erected, constructed, added to or placed on any parcel of land or site unless and until a building permit for such work has been obtained from the Band Administrator. An administration fee of \$20.00 shall accompany the application as well as a \$30.00 fee for inspection service.
- 10.3 No building permit shall be issued for the erection, addition to, or alteration of any building that contravenes any of the provisions of this By-law, or any Act of the Government of Canada.
- 10.4 Before issuing a building permit the Band Administrator shall ensure that the applicant has obtained in writing the approval of the Simcoe County Health Unit for the water supply and sewage disposal system proposed for the building for which a permit is applied. While the installation and use of any sewage and waste water disposal system must be in accordance with the Provincial Environment Protection Act, Ontario 1971, and any of its subsequent amendments, all buildings constructed must be in accordance with the National Building Code.

- 10.5 All applications for a building permit shall be accompanied by plans in triplicate, drawn to an appropriate scale, based upon an actual survey showing the true shape and dimensions of the lot to be used, or upon which it is proposed to erect any building or structure, and showing the proposed location and dimensions of the building or work for which the permit is applied. In addition, the plan shall also show the location of every building already erected on or partly on the lot in question.

SECTION 11 - ENFORCEMENT AND ADMINISTRATION

- 11.1 The Band Administrator shall maintain the original of this By-law in an up-to-date manner, including all amendments, and have these documents available for examination in his office on the Rama Indian Reserve, during normal office hours. AVAILABILITY OF BY-LAW
- 11.2 While all the regulations contained herein become legally in force on the enactment of this By-law, the Band Council may, whenever the public necessity, convenience or general welfare requires, and after a careful consideration, amend or change any part of this By-law. Should this amendment contradict any part of this By-law, that part must first be amended to permit this By-law change. AMENDMENTS
- 11.3 If any provision of this By-law, including any part of the zoning as shown on Schedule "A" is for any reason held to be invalid, it is hereby declared to be the intention that all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid. SEVERABILITY
- 11.4 A person who violates a provision of the By-law, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding \$300.00, or imprisonment for a term not exceeding 30 days or both fine and imprisonment. PENALTY
- 11.5 The Band Council will seek a Court Order ordering that any person erecting a structure in contravention of this By-law will either demolish the said structure or bring it up to the necessary standard within reasonable length of time (to be stated in the Court Order) and that failing this, the Band Council may have this work carried out and collect the charges from the offending person. COURT ORDER